

NEW YORK
LONDON
SINGAPORE
PHILADELPHIA
CHICAGO
WASHINGTON, DC
SAN FRANCISCO
SILICON VALLEY
SAN DIEGO
LOS ANGELES
BOSTON
HOUSTON
DALLAS
AUSTIN
HANOI
HO CHI MINH CITY

DuaneMorris®

FIRM and AFFILIATE OFFICES

STEVEN M. COWLEY
DIRECT DIAL: +1 857 488 4261
PERSONAL FAX: +1 857 401 3090
E-MAIL: SMCowley@duanemorris.com

www.duanemorris.com

SHANGHAI
ATLANTA
BALTIMORE
WILMINGTON
MIAMI
BOCA RATON
PITTSBURGH
NEWARK
LAS VEGAS
CHERRY HILL
LAKE TAHOE
MYANMAR

ALLIANCES IN MEXICO
AND SRI LANKA

October 29, 2021

VIA ECF

Honorable James L. Cott
United States Magistrate Judge, S.D.N.Y.
500 Pearl Street, Room 1360
United States Court House
New York, NY 10007

Re: *Tom Hussey Photography, LLC v. BDG Media, Inc.*
C.A. No. 21-cv-03514-AT-JC

Dear Judge Cott:

On behalf of plaintiff Tom Hussey Photography, LLC (“THP”), and pursuant to Section II A of your Individual Practices, I write to request leave to replace Plaintiff’s letter in opposition to the relief requested in the letter-motion submitted by defendant BDG Media, Inc. (“BDG”), filed on the October 28, 2021 (ECF Doc. 65) that is seven pages long with the five page opposition letter enclosed as Exhibit A.

In support of this request, undersigned counsel states that I did not identify the five-page limit on letters to the Court in Section I of your Individual Practices when reviewing the procedures applicable to letter motions in Section II. Shortly after filing the initial version of Plaintiff’s letter opposition, a colleague pointed out that provision and I prepared a revised five-page version of the same opposition arguments. No new issues or arguments are raised in the version Plaintiff seeks leave to file to replace the initial version.

Pursuant to Section II B of your Individual Practices, I request that your Honor waive the pre-motion conference requirement for this request, on the grounds that the purpose of this immediate request is to correct an initial filing error without causing delay and without imposing any burden on the Court or opposing counsel to take any action based on the initial version of the letter opposition if it will be inoperative. The time necessary for a pre-motion conference would defeat those purposes, and the parties are not in a position to agree among themselves that the

Honorable James L. Cott
October 29, 2021

Duane Morris

Court accept a replacement filing, so this letter motion would be required regardless of a conference.

I apologize for the initial filing error and request that the Court permit Plaintiff to correct it.

Sincerely,

/s/ Steven M. Cowley

cc: All Counsel of Record (via ECF)